

ZANE AND RUDOFSKY

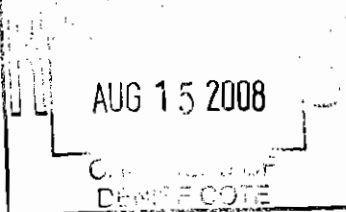
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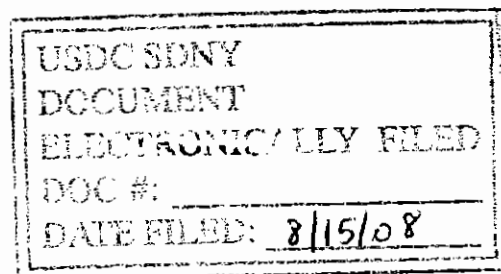
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August 14, 2008

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MEMO ENDORSED



Hon. Denise L. Cote, U.S.D.J.
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Evart Enterprises, Inc. v. Gentlemen's Video, Inc. et al.
U.S.D.C., S.D.N.Y., Docket No. 07 CV 5541 (DLC) (DFE)

Dear Judge Cote:

We represent defendants, Gentlemen's Video, Inc. et al., and respectfully request an extension of time to submit the proposed Pre-Trial Order in this action to September 15, 2008.

The proposed Pre-Trial Order is presently due tomorrow, August 15, 2008. There have been no previous requests to extend this date. Counsel for plaintiff consents to this request. The granting of this request will not affect any other scheduled date.

*Granted.
Denise Cote
August 15,
2008*

This relief is requested to enable defendants and counsel to complete the preparation of testimony, review of documentary evidence, and analysis of the issues, and to provide defendants' input as to these matters to plaintiffs' counsel, so as to comply with the requirements of Your Honor's Individual Practice Rules. Defendants and counsel are in the middle of that process but have not as yet completed it.*

* Among other things, the time I have recently been able to devote to this matter has been minimized by the necessity of covering matters during the past several weeks for my law partner, James B. Zane, who underwent a liver transplant several years ago and has now been diagnosed with a recurrence of liver cancer, requiring him to travel to Munich, Germany, at the end of July, for radio frequency ablation of a malignant tumor in his abdomen. Mr. Zane has now substantially recovered from that procedure and I do not anticipate any similar problem in completing preparation of the proposed Pre-Trial Order by September 15th.

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Your Honor had fixed the August 15, 2008, due date for the Pre-Trial Order in your July 28, 2008, Scheduling Order, which directed that the action be placed on the September 15, 2008, ready trial calendar. By Order dated August 4, 2008, Your Honor granted plaintiff's application to adjourn the ready trial date and directed that the action be moved to the October 6, 2008, ready trial calendar. The relief presently requested would result in the Pre-Trial Order being filed three weeks prior to the ready trial date which will remain October 6, 2008.

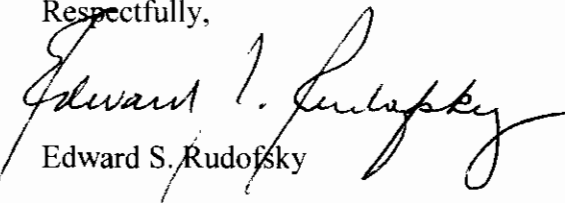
The relief requested would also enable defendants to complete their response to plaintiff's outstanding Request for Admissions, dated August 4, 2008. Defendants' response is due September 3, 2008. Defendants' responses will be an important factor in narrowing and delineating the issues to be tried for purposes of the Pre-Trial Order.

Additionally, certain subpoenas to non-parties issued by counsel for plaintiff, some of which were served prior to Your Honor's July 28, 2008, Scheduling Order, remain outstanding. Extending the date for filing the Pre-Trial Order will allow any relevant documents produced pursuant to those subpoenas to be included in the Pre-Trial Order.

Finally, we note, that counsel have contacted the Chambers of Magistrate Judge Eaton, as instructed and have scheduled a settlement conference with the Magistrate to be held on September 9, 2008, at 2 p.m. Counsel were unable to schedule an earlier conference date inasmuch as Magistrate Judge Eaton is on vacation until September 2, 2008 and we were advised that September 9th is Magistrate Judge Eaton's first available date. The relief requested herein will afford counsel adequate time to prepare and submit the detailed pre-settlement conference analysis required under the Magistrate Judge's Individual Practice Rules.

We thank you Court in advance for its consideration of this request.

Respectfully,



Edward S. Rudofsky

ZANE AND RUDOFISKY

Cc: H. Nicholas Goodman, Esq.
Attorney for Plaintiff
(Via Email)

Hon. Douglas F. Eaton, U.S.M.J.
Southern District of New York
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